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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,802	08/17/2000	Tai Anh Cao	AUS9-2000-0285-US1	6378
35236	7590	11/14/2005	EXAMINER	
THE CULBERTSON GROUP, P.C. 1114 LOST CREEK BLVD. SUITE 420 AUSTIN, TX 78746			WANG, TED M	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

09/640,802

Applicant(s)

CAO ET AL.

Examiner

Ted M. Wang

Art Unit

2634

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 1-4, 7-10, 13, 14 and 18.
Claim(s) objected to: 5, 6, 11, 12, 15, and 16.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation Sheet (PTOL-303)

Response to Arguments

1. Applicant's arguments, filed on 10/27/2005, with respect to 35 U.S.C. §112 second paragraph rejection of the claims 5, 6, 11, 12, 15, and 16 have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed Applicants' arguments but firmly believes that 35 U.S.C. §112 second paragraph rejection is proper.

Independent Claim 1

(1) *Applicants' argument* – "The electronic circuit which is the subject of the present invention employs multiple instances of certain components such as differential receivers, multiplexers, and reference voltages. The Applicants have chosen to use ordinals (e.g., first, second, third, etc.) to differentiate these components in the disclosure. For example, the disclosure refers to a "first differential receiver 302," a "second differential receiver 203," and a "third differential receiver 206." In order to clearly and distinctly claim the subject matter which the Applicants regard as the invention, the Applicants have chosen to maintain the same ordinals in the claims to distinguish between components of the same type. That is, the components name using ordinals in the claims correspond exactly with the components named with the same ordinals in the disclosure." as recited.

Examiner's response – In response to applicant's argument as described in the above paragraph, the examiner cited the same rejection as addressed in the

previous Final Office Action # 20050714, dated 9/20/2005 (for example) in the following –

“the claim 4 and 5 and 6 are in different claim trees that are not related each other. A second differential receiver without introducing first differential receiver, and a second and third reference voltage without introducing first voltage, for example claim 5, make the claim 5 indefinite that there is insufficient antecedent basis for this limitation in the claim.”

In addition, the examiner has noticed that in the disclosure the applicants have inconsistently named the same components (elements) with different notation as shown in Figs.2-3. For example, the applicants use

- a “first differential receiver 302” (page 9, line 24, and page 12, lines 19-20, 24), and “differential receiver 302” (page 13, line 1) for the same element 302 in Fig.3.
- a “second differential receiver 203” (page 9, line 8, page 14, lines 4, 14-16, 19, and amended specification, dated 5/14/2004, page 3, line 2), and a “differential receiver 203” (page 9 line 11), and “receiver 203” (page 14, lines 5, 8, 13) for the same element 203 in Fig.2.
- a “third differential receiver 206” (page 9, lines 15-16, 18-19, page 15 lines 2, 27, and page 16, lines 14-15, 21), and “differential receiver 206” (page 15, line 16), and “receiver 206” (page 16, lines 16, 18, 24, 26) for the same element 206 in Fig.2.

Further in addition, in the disclosure the applicants use "first differential receivers 203 and 405" as recited in amended specification, dated 5/14/2004, page 3, line 7 instead of "second differential receivers 203 and 405" as recited in amended specification, dated 5/14/2004, page 3, line 2. Thus, for the explanation addressed in the above paragraph, the 35 U.S.C. §112 second paragraph rejection is adequate.

Specification

2. The disclosure is objected to because of the following informalities:
 - In amended specification, dated 5/14/2004, page 3, line 7, change "first" to --- second ---.
 - In page 16, line 26, after "output" delete --- 206 ---.Appropriate correction is required.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is 571-272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ted M Wang
Examiner
Art Unit 2634

Ted M. Wang



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